

FILED

JUN 27 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Criminal Case No. 08-CR-1540
)
Plaintiff,)
)
v.) I N F O R M A T I O N
) (Superseding)
) Title 21, U.S.C., Secs. 846 and
) 841(a)(1) - Conspiracy to
) Manufacture Marijuana
) Title 21, U.S.C., Sec. 853
) Criminal Forfeiture
)
THOMAS SWIFT (D1), and)
KEVIN KENNEDY (D2),)
)
Defendants.)

The United States Attorney charges:

Beginning at a date unknown and continuing up to and including April 14, 2008, within the Southern District of California, defendants THOMAS SWIFT and KEVIN KENNEDY did conspire together, and with others known and unknown, to manufacture a controlled substance, to wit, 1000 and more marijuana plants; and specifically: 6,847 marijuana plants, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1).

FORFEITURE ALLEGATION

1. The allegation contained in the above count of this Information is realleged and by its reference fully incorporated

1 herein for the purpose of alleging forfeiture to the United States
2 of America pursuant to the provisions of Title 21, United States
3 Code, Section 853.

4 2. As a result of the commission of the felony offense
5 alleged in Count 1 of this Information, said violation being
6 punishable by imprisonment for more than one year, and pursuant to
7 Title 21, United States Code, Section 853(a)(1), defendants THOMAS
8 SWIFT and KEVIN KENNEDY shall, upon conviction, forfeit to the
9 United States all their rights, title and interest in any and all
10 property constituting, or derived from, any proceeds the defendants
11 obtained, directly or indirectly, as a result of the offense,
12 including, but not limited to: the residence at 818 Ora Avo, Vista,
13 California, and All Improvements and Appurtenances Affixed Thereto,
14 more particularly described as:

15 ASSESSORS PARCEL NO. 181-231-26-00: THAT PORTION OF THE
16 SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE
17 NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE
18 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY
19 OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL
20 PLAT THEREOF, DESCRIBED AS FOLLOWS: BEGINNING AT THE
21 SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE
22 NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH
23 3* 18' 10" WEST ALONG THE WESTERLY LINE OF SAID SECTION
24 27, A DISTANCE OF 220 FEET TO THE TRUE POINT OF BEGINNING
25 THENCE CONTINUING ALONG SAID LINE, NORTH 3* 18' 00" WEST
26 95 FEET; THENCE LEAVING SAID LINE, NORTH 88* 42' WEST 260
27 FEET THE TRUE POINT OF BEGINNING;

28 the residence at 2585 Rainbow Valley Blvd, Fallbrook, California,
and All Improvements and Appurtenances Affixed Thereto, more
particularly described as:

25 ASSESSORS PARCEL NO. 102-240-20-00: PARCEL 1: THAT PORTION
26 OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 1,
27 TOWNSHIP 9 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN,
28 IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA,
ACCORDING TO OFFICIAL PLAT THEREOF, LYING NORTH OF A LINE
DRAWN PARALLEL WITH THE SOUTH LINE;

1 the residence located at 16201 Swartz Canyon Road, Ramona,
2 California, and All Improvements and Appurtenances Affixed Thereto,
3 more particularly described as:

4 ASSESSORS PARCEL NO. 288-210-11-00: LOT 274 OF SAN DIEGO
5 COUNTRY ESTATES, UNIT NO. 1, COUNTY OF SAN DIEGO, STATE
6 OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 7450, FILED
IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY,
OCTOBER 11, 1972, AS FURTHER DESCRIBED;

7 the residence located at 9411 Vista Aleta, Valley Center,
8 California, and All Improvements and Appurtenances Affixed Thereto,
9 more particularly described as:

10 ASSESSORS PARCEL NO. 185-181-11-00: THAT PORTION OF THE
11 SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 11 SOUTH, RANGE
12 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN
DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT
THEREOF, AS FURTHER DESCRIBED;

13 in addition, a Cashier's Check in the amount of \$39,123.78, U.S.
14 currencies in the amounts of \$3,940, \$1,556, and \$955, a Chevrolet
15 Truck CA License Plate No. 5Z51447, a Chevrolet Corvette CA License
16 Plate No. 200GONE, a 1995 Mastercraft Maristar 225 VRS Boat CF
17 0624R1 and a boat trailer CA License Plate No. 4HH3239.

18 3. As a result of the commission of the felony offense
19 alleged in Count 1 of this Information, said violation being
20 punishable by imprisonment for more than one year, and pursuant to
21 Title 21, United States Code, Section 853(a)(2), defendants THOMAS
22 SWIFT and KEVIN KENNEDY shall, upon conviction, forfeit to the
23 United States all their rights, title and interest in any and all
24 property used or intended to be used in any manner or part to
25 commit and to facilitate the commission of the violation alleged in
26 Count 1 of this Information, including but not limited to:

27

28

1 the residence at 818 Ora Avo, Vista, California, and All
2 Improvements and Appurtenances Affixed Thereto, more particularly
3 described as:

4 ASSESSORS PARCEL NO. 181-231-26-00: THAT PORTION OF THE
5 SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE
6 NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE
7 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY
8 OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL
9 PLAT THEREOF, DESCRIBED AS FOLLOWS: BEGINNING AT THE
10 SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE
11 NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH
12 3* 18' 10" WEST ALONG THE WESTERLY LINE OF SAID SECTION
13 27, A DISTANCE OF 220 FEET TO THE TRUE POINT OF BEGINNING
14 THENCE CONTINUING ALONG SAID LINE, NORTH 3* 18' 00" WEST
15 95 FEET; THENCE LEAVING SAID LINE, NORTH 88* 42' WEST 260
16 FEET THE TRUE POINT OF BEGINNING;

17 the residence at 2585 Rainbow Valley Blvd, Fallbrook, California,
18 and All Improvements and Appurtenances Affixed Thereto, more
19 particularly described as:

20 ASSESSORS PARCEL NO. 102-240-20-00: PARCEL 1: THAT PORTION
21 OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 1,
22 TOWNSHIP 9 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN,
23 IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA,
24 ACCORDING TO OFFICIAL PLAT THEREOF, LYING NORTH OF A LINE
25 DRAWN PARALLEL WITH THE SOUTH LINE;

26 the residence located at 16201 Swartz Canyon Road, Ramona,
27 California, and All Improvements and Appurtenances Affixed Thereto,
28 more particularly described as:

29 ASSESSORS PARCEL NO. 288-210-11-00: LOT 274 OF SAN DIEGO
30 COUNTRY ESTATES, UNIT NO. 1, COUNTY OF SAN DIEGO, STATE
31 OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 7450, FILED
32 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY,
33 OCTOBER 11, 1972, AS FURTHER DESCRIBED;

34 the residence located at 9411 Vista Aleta, Valley Center,
35 California, and All Improvements and Appurtenances Affixed Thereto,
36 more particularly described as:

37 ASSESSORS PARCEL NO. 185-181-11-00: THAT PORTION OF THE
38 SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 11 SOUTH, RANGE
39 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN
40 DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT
41 THEREOF, AS FURTHER DESCRIBED;

1 in addition, a Cashier's Check in the amount of \$39,123.78, U.S.
2 currencies in the amounts of \$3,940, \$1,556, and \$955, a Chevrolet
3 Truck CA License Plate No. 5Z51447, a Chevrolet Corvette CA License
4 Plate No. 200GONE, a 1995 Mastercraft Maristar 225 VRS Boat CF
5 0624R1 and a boat trailer CA License Plate No. 4HH3239.

6 4. If any of the above-described forfeitable property, as
7 a result of any act or omission of the defendant -

8 (a) cannot be located upon the exercise of due diligence;

9 (b) has been transferred or sold to, or deposited with, a
10 third party;

11 (c) has been placed beyond the jurisdiction of this Court;

12 (d) has been substantially diminished in value; or

13 (e) has been commingled with other property which cannot be
14 subdivided without difficulty;

15 it is the intent of the United States, pursuant to Title 21,
16 United States Code, Section 853(p), to seek forfeiture of any
17 property of the defendants up to the value of the said property
18 listed above as being subject to forfeiture.

19 All in violation of Title 21, United States Code, Section 853.

20 DATED: JUNE 27, 2008

21 KAREN P. HEWITT
22 United States Attorney

23 STEWART M. YOUNG
24 Assistant U.S. Attorney
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